

June 1, 1966

A meeting of the Adjustment Board was held on the above date with Chairman Warner presiding. The following members were present: Mr. Honeyman Mr. Sheaffer, Mr. Warner. Mr. Pellet was absent. Mr. Valentino was present.

Mr. Warner welcomed Mr. Sheaffer as a new member of the Board replacing the unexpired term of Mr. Magnus. Mr. Brown, the Township Building Inspector was also present and welcomed by Mr. Warner.

Mr. Honeyman was appointed acting secretary in the absence of Mr. Pellet.

51766 - Gabriel A. Palma, P.U.C. P. O. Box 324, Mt. Arlington, N.J. Application for a variance from the terms of the Zoning Ordinance. Application for the erection of a one family ranch home on 49 Kings Road, Landing, contrary to Section 901(a) of the Zoning Ordinance and an unaccepted street in the R-3 Zone, Block 69, lot 2.

Since Mr. Pellet was absent it was decided by the Attorney, Mr. Fullerton, that Mr. Palma's hearing be presented again so that Mr. Sheaffer would have the facts in the case and thus be able to vote on the matter.

Mr. Palma stated that at the last meeting there had been nine people who could not appear tonight, they were all in favor of the construction of the dwelling.

Mr. Fullerton stated that this is an application to build a home on a sub-standard lot, it does not have sufficient frontage to comply with the ordinance. However it does contain the same frontage as other lots in the area. The neighbors are very pleased with the prospect of getting the present shack out or there. There is a \$35,000 house on the adjoining lot, Mr. Palma does not own any more land and cannot obtain more. Lake front property is usually sold in small lot sizes. This lot has ample depth, being 250' deep from the road to the lake. The house presently on the lot is vacant and will be removed. The other lots which are the same size, in the area have been that way for years. The side yard requirements are satisfied except for one side which is 9.5' instead of 10'.

Mr. Sheaffer asked if Kings Road was the main road into this property?

Mr. Palma said yes, it is a main road. He also added that the houses on lots 10 and 12 are worth between \$35,000 and \$45,000, that he will set his house back as shown on the plans approximately between the set backs of the two houses. Mr. Palma said that the house he plans to build will cost approximately \$36,000.

There was no one in the audience who wished to speak for or against the variance.

After a short recess, the Chairman call the meeting to order.

Mr. Honeyman mad a motion, seconded by Mr. Sheaffer that a variance be granted to the terms of the Zoning Ordinance under Section 901A and 901c and that the applicant Mr. Gabriel Palma be permitted to construct a house on an unaccepted street for the following reasons:

1. At the present time there is a delapidated structure on the lot wh ich would not justify remodeling same.
2. The applicant will take down this old structure and construct a new home with a value of \$36,000 (approximately) and appears to be approximately the same size and in the approximate location as the existing old house.
3. The lot in question does have 15,000 sq.ft. the same is not within the 150' of the front street right-of-way.
4. The lots in the area have the approximate same sizes.
5. Nine property owners in the area have all consented to the granting of the variance.
6. It is felt by the Board that the structure will tend to increase property values in the area by the elimination of the old structure and the erection of this new home.
7. The house shall be located as shown on the survey submitted with the application.

and such relief can be granted without substantial detriment to the public good and without impairing the intent and purpose of the zone plan and zoning ordinance.

Motion was carried by roll call vote showing all in favor.

61966 - Cly Fraser, 35 Hillside Avenue, Mine Hill, New Jersey. Application for a recommendation to the Township Committee to allow a structure or use in a zone restricted against such structure or use contrary to Article 13, Section 1301. Erection of a dwelling in a business zone, Block 12, lot 15 in B-2 zone at Route 46, Kenvil, N.J. Also application for a variance from the terms of the Zoning Ordinance Section 603, two uses on the same property.

Mr. Honeyman read the application indicating that Mrs. Fraser would like to erect a dwellin on property occupied by the Kenvil Hotel on Route 46 in Kenvil. The dwelling would be located in the rear of the property in the B-2 zone. The rear of the property runs into the Industrial zone and is bordered by a railroad track.

Mr. Warner asked Mrs. Fraser where she lives at the present time and if she had ever lived in the hotel.

Mrs. Fraser said she lived at 35 Hillside Ave. Mine Hill and had been there for three years, that she had lived at the hotel for 12 years. She said she would like to live closer to the business as it would be less expensive.

Mrs. Fraser added that a variance had been granted for a house on this same property in 1960, in the approximate same location.

Mr. Fullerton who spoke for Mrs. Fraser stated that the building is to cover 5% of the property according to the application, but it would be much smaller than that, the set back would be far enough back from the street. Mr. and Mrs. Fraser have been separated and this would make it easier for Mr. Fraser to see his son who resides with Mrs. Fraser. Mr. Fraser operates the hotel.

Mr. Sheaffer stated that there was a discrepancy between the application and the site plan presented. The acreage is shown as 2.5 on the map and 3.5 acres on the application.

Mrs. Fraser said that it could be 3.5 acres, the surveyor had copied it wrong.

Mr. Sheaffer asked if there was a business on either side of the hotel.

Mrs. Fraser said, yes, a new building is going up on the corner of Berkshire Valley Road and Route 46, and the "carpet" place is on the other side.

There was no one in the audience who wished to speak for or against the variance requested.

After a short recess the Chairman called the meeting to order. Mr. Sheaffer made a motion, seconded by Mr. Honeyman that the variance requested by Mrs. Fraser be denied as the applicant has not presented sufficient evidence to justify the granting of a variance by this Board.

Motion was carried showing all in favor.

62066 - Arthur L. Henderson, Bos 554, Roue 206, Stanhope, New Jersey. Application for a variance from the terms of the Zoning Ordinance contrary to Section 801(a) lot is under-sized, unimproved road; and Section 1810, previous variance has expired. Lot is in Block 6, lot 23, on Right-of Way off Berkshire Valley Road, Berkshire Valley, N.J.

Mr. Warner stated that the variance as stated in the application was actually never received. Mr. O'Leary had never submitted corrected maps to this Board as required with the granting of the variance, therefore the variance was never granted.

Mr. Warner reviewed the survey map presented with the application and stated that this was the same map presented before, Mr. O'Leary was asked to submit proper maps, the measurements of the lot are not correct. This map indicates that the distance of the rear line is 148.70 feet but there is a notation which says deed - 109'. It is difficult to tell which is correct.

Mr. Henderson stated that he had had the property searched and everything was all right. He said that the deed he had indicates 148.70 feet and says nothing pertaining to 109'. He said that lot 22 contains a house owned by Norman James. That there is one other house built between Berkshire Valley Road and the lot in question, it is lot 25A and owned by Ballard.

The deed is dated August 17, 1965 and Mr. Valentino concurred that the deed does in fact state 148.70'.

Mr. Honeyman read the application.

Mr. Sheaffer asked how long Birch Lane is, and is it the only way into the property?

Mr. Henderson said it was 40' wide, that it is the only entrance into the property in question and it is approximately 400 and some feet long. He added that Mr. Ballard had been there since 1952./

Mr. Warner asked if Mr. Henderson knew that the lot was undersized when he purchased it, and had he tried to contact other people in the area for additional land?

Mr. Henderson said, yes, he knew the lot was undersized, and that he had tried to obtain more land but that there was none for sale.

After a short recess Mr. Warner called the meeting to order and said that due to the fact that there is a discrepancy on the map it would be better if a proper map was submitted at the next meeting and that the Board would inspect the property.

There was no one in the audience who wished to speak for or against the variance requested.

The hearing will be continued at the next meeting.

62166 - Rockland Homes, 28 Route 10, Succasunna, N.J. Application for a variance from the terms of the Zoning Ordinance for the erection of a one and a half story Cape Cod dwelling on Salmon Road, Block 142, lot 6, in an R-3 zone contrary to Section 901(a) of the Zoning Ordinance, lot size insufficient.

Mr. Honeyman read the application.

Mr. Warner asked if this property was level.

Mr. Wishnow, the applicant, said that from the existing Salmon Road there is a "bank".

Mr. Warner asked if there are houses on the street now?

Mr. Wishnow said, on lot 7 ~~on~~ 8 there is a house under construction, the other lots are all 50' lots. This situation exists all over Shore Hills. He stated that he had sent letters to the people who own the vacant lots on either side of the lot in question but had received no answer. He offered the carbons of these letters as proof.

Mr. Alfred Paterson an interested person, stated that he owned lots 2,3,4 and has built a dwelling on lots 3 and 4, that there is a house on lot 12 and lot 10 and they set back 50' as well as his own house.

Mr. Wishnow said that he would be willing to set his house back 50' and so indicated on the maps.

Mr. Wishnow (representing Mrs. Masuhr, owner) said that Mrs. Masuhr felt that without the variance ~~wt~~ would deprive her the use of the lot for which it was intended. That she bought the lot in good faith but now she wants to sell it, Rockland Homes wants to buy it but want to be able to build on it.

Mr. Paterson, 84 Salmon Road, Landing, stated that the change in the

zoning to 15,000 square feet from 7,500 square feet was to control building on small lots in Shore Hills and if this variance for 7,500 square feet is allowed, every other person in Shore Hills who owns a 50' lot will be in for a variance. Lot 5 and 7 is available for building. My house, Mr. Paterson said, is 50' long and 32' wide. He stated he built on three lots and doesn't want to see the small lots come on the street.

After a recess the Chairman called the meeting to order and Mr. Sheaffer made a motion seconded by Mr. Honeyman that the application for variance be denied as the applicant has not given this Board sufficient evidence to justify the granting of a variance. Motion was carried by roll call vote showing all in favor.

62266 - Humble Oil Co., 126 Passaic Street, Newark, N.J. Application for a Special Exception pursuant to N.J.S.A. 40:55-39(b), erection of a Service Station on Route 206, in B-2 zone, and application for a variance to Section 1704(g), erection of a service station within 1500 feet of another public garage. Block 32, lot 1, near Netcong line.

Mr. Honeyman read the application.

Mr. Schomp adjoining property owner, stated that he had no objections to the application and stated that there is another station under construction across the ramp.

After review of the map with the Zoning Ordinance requirements, it was the opinion of the Board that the information given should be corrected to show the proper set backs etc.

The hearing will be continued next month.

A copy of a letter from the Township Committee to Mr. Fred Davis was read regarding the Committee's favorable action on the recommendation to grant a variance to allow a dwelling to be erected on Mr. Davis' property. The letter was ordered filed on a motion made and carried.

A revised map was reviewed by the Board regarding Pleasant Valley Homes application for the erection of a dwellin on Mansel Drive and Dinah Road.

The following Resolution was offered by the Clerk and moved for adoption by Mr. Honeyman, seconded by Mr. Sheaffer and carried.

WHEREAS, Pleasant Valley Homes has heretofore applied for a variance for the lot situate on the corner of Mansel Drive and Dinah Road which variance was denied and appealed to the Superior Court and the Board upon remand did grant a variance to construct a house 20'x 35' on said premises and after considering the matter further does hereby revise its variance to permit the applicant to construct a dwelling upon the property as set forth as shown on the site plan submitted to the Board which site plan shows a house set back 63' from Mansel Drive and will front on Dinah Road. The foundation of which will be 45'x 24' with an additional 2' overhang as shown on the survey. Providing that the two side yards shall be properly seeded and landscaped.

The Chairman of the Board requested that the Clerk send a copy of this Resolution to the proerty owners within 200' of said property, so that they can be advised of the decision of the Board.

There was no further business and the meetings was adjourned at 10:50 P.M. on a motion made and carried.

Respectfully submitted,
Ruth H. Thiel, Clerk

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